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10/623,133

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EXAMINER

SMITH, MARCUS

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,133	<b>Applicant(s)</b> VARSA ET AL.	
	<b>Examiner</b> MARCUS R. SMITH	<b>Art Unit</b> 2419	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,7-11,13,15-17,20-25,27,31,33-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-11, 13, 15-17, 20-25, 27, 31, 33-35, and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1-2, 4-5, 7-11, 13, 15-17, 20-25, 27, 31, 33-35, and 37 have been considered but are moot in view of the new ground(s) of rejection. The examiner acknowledges the applicant's invoke of 35 U.S.C 103 (c), thus the Hannuksela reference will not be used anymore.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 7-11, 13, 15-17, 20-25, 27, 31, 33-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harumoto et al. (US 2002/0004840) in view of Radha et al. (US 6,700,893).

With regard to claim 1, Harumoto et al. teaches (see figures 3 and 5): A method for receiving a packet stream at a client (terminal, 102), comprising estimating packet stream transfer delay variation (T\_delay: step 101); estimating parameters of a jitter buffer based on the packet stream transfer delay variation (S\_target: step 101 or step 107); and transmitting to the server information indicative of an aggregate of the pre-decoder buffering parameters and the jitter buffer (step 102 or step 108: The terminal has a reception buffer and a decoder buffer (see figure 3) for receiving video stream. The terminal sends its buffer and transmission capacity (buffer and jitter size: S\_target),

Art Unit: 2419

and its time delay (packet stream transfer delay variation) to the server to increase or decrease the transmission speed (see page 6, paragraphs 131-132). But before it sends that information to the server, it must determine or calculate (estimate) that capacity and delay (step s101: page 8, paragraphs 151-153)).

Harumoto fails to disclose that the client's signaling engine is receiving from the server pre-decoder buffer parameters to ensure that the client is able to play out the packet stream without buffer violation when the packet stream is transmitted over a constant delay, reliable transmission channel.

Radha teaches a similar system of a server sending a packet stream to a client. Radha teaches a client device that has a pre-decoder buffer (ITD buffer) and a decoder (see figure 1: column 5, lines 45-60). Similar to Harumoto, the client device has a buffer controller (buffer management circuit, 510) that estimates delay, jitter, and bandwidth of the network (column 12, lines 20-35). However, Radha also teaches how parameter (listed above) may be from the streaming video transmitter, 110, (server). Thus Radha teaches a server transmitting to parameter information to the client before estimated the buffer and delay in order to improve the client to compensate for variations in the network (column 2, lines 35-42). Also Radha teaches that channel, 220, on the network is at a constant delay (column 6, lines 1-45).

Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made to a client to receive buffering parameters information from the server, when the packet stream is transmitted over a constant delay, reliable channel as

Art Unit: 2419

taught by Radha in the system Harumoto in order to improve the client to compensate for variations in the network.

With regard to claim 13, Harumoto et al. teaches (see figures 3 and 5): A streaming client, comprising: a pre-decoder buffer (reception buffer, 505) for storing a packet stream from a server (page 6, paragraph 121); a media decoder (playback module, 510) for decoding the packet stream (page 6, paragraph 122); a buffer controller (CPU, 503) for estimating packet stream transfer delay variation and for estimating parameters of a jitter buffer based on the packet stream transfer delay variation (see page 7, paragraphs 138-140: The terminal determines (estimate) its buffer and transmission capacity (buffer and jitter size:  $S_{\text{target}}$ ), and its time delay (packet stream transfer delay variation.); and a signaling engine (transmission/reception module, 507) for providing information indicative of an aggregate of the pre-decoder buffering parameters and the jitter buffer to the server (page 7, paragraph 142: sends setup command with  $T_{\text{delay}}$ ,  $S_{\text{target}}$ , and/or  $S_{\text{delay}}$ ).

Harumoto fails to disclose that the client's signaling engine is receiving from the server pre-decoder buffer parameters to ensure that the client is able to play out the packet stream without buffer violation when the packet stream is transmitted over a constant delay, reliable transmission channel.

Radha teaches a similar system of a server sending a packet stream to a client. Radha teaches a client device that has a pre-decoder buffer (ITD buffer) and a decoder (see figure 1: column 5, lines 45-60). Similar to Harumoto, the client device has a buffer

Art Unit: 2419

controller (buffer management circuit, 510) that estimates delay, jitter, and bandwidth of the network (column 12, lines 20-35). However, Radha also teaches how parameter (listed above) may be from the streaming video transmitter, 110, (server). Thus Radha teaches a server transmitting to parameter information to the client before estimated the buffer and delay in order to improve the client to compensate for variations in the network (column 2, lines 35-42). Also Radha teaches that channel, 220, on the network is at a constant delay (column 6, lines 1-45).

Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made to a client to receive buffering parameters information from the server, when the packet stream is transmitted over a constant delay, reliable channel as taught by Radha in the system Harumoto in order to improve the client to compensate for variations in the network.

With regard to claims 27 and 34, Harumoto et al. teaches (see figure 2 and 4): A streaming server (101) for transmitting a packet stream to a client device (102), said streaming server comprising: a signaling engine (a transmission/reception module, 402) for receiving information indicative of an aggregate of the client's pre-decoder buffering parameters and a jitter buffer (page 6, paragraph 119, and page 7, paragraph 142: sends setup command with T\_delay, S-target, and/or S-delay.); and a rate controller adapted to adjust a rate at which media data is transmitted from the server in accordance with the aggregate buffering parameters (page 7, paragraph 0143: the

Art Unit: 2419

packet assembling circuit, 406, of server performs rate controlling steps for the data stream.).

Harumoto fails to disclose that the client's signaling engine is receiving from the server pre-decoder buffer parameters to ensure that the client is able to play out the packet stream without buffer violation when the packet stream is transmitted over a constant delay, reliable transmission channel.

Radha teaches a similar system of a server sending a packet stream to a client. Radha teaches a client device that has a pre-decoder buffer (ITD buffer) and a decoder (see figure 1: column 5, lines 45-60). Similar to Harumoto, the client device has a buffer controller (buffer management circuit, 510) that estimates delay, jitter, and bandwidth of the network (column 12, lines 20-35). However, Radha also teaches how parameter (listed above) may be from the streaming video transmitter, 110, (server). Thus Radha teaches a server transmitting to parameter information to the client before estimated the buffer and delay in order to improve the client to compensate for variations in the network (column 2, lines 35-42). Also Radha teaches that channel, 220, on the network is at a constant delay (column 6, lines 1-45).

Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made to a client to receive buffering parameters information from the server, when the packet stream is transmitted over a constant delay, reliable channel as taught by Radha in the system Harumoto in order to improve the client to compensate for variations in the network.

With regard to claim 2, Harumoto teaches: wherein the pre-decoder buffering parameters received are chosen based on variable bit-rate characteristics of the transmitted packet stream and the buffering (411) applied by the server (page 7, paragraph 0142-0143).

With regard to claims 4, and 20, Harumoto teaches (see figure 4): wherein the information indicative of the aggregate buffering parameters is transmitted to the server at beginning of a new streaming session (RTSP setup is at beginning session, page 6, paragraphs 125 and 131).

With regard to claims 5 and the first part of claim 33, Harumoto teaches (see figure 5)

determining parameters of the jitter buffer based on the estimated packet stream transfer delay variation during a streaming session (step s107) and transmitting an aggregate of the pre-decoder buffering parameters and the changed jitter buffer during the streaming session (step s108: page 8, paragraph 159).

With regard to claims 7, second part of 33, 37, Harumoto teaches:

wherein the streaming server is adapted to optionally consider the information indicative of the client's chosen pre-decoder buffering parameters in rate control and/or rate shaping (page 7, paragraph 0143: the packet assembling circuit of server performs rate controlling steps for the data stream.)

With regard to claims 8, 21, and 31, Harumoto teaches: wherein the information indicative of the aggregate buffering parameters received by the server includes *at least one* of the following: information regarding a size of the client's pre-decoder buffer (page

Art Unit: 2419

buffer capacity, page 6, paragraph 132), information regarding a pre-decoder buffering period, (s delay, page 7, paragraphs 141- 142), and information regarding a post-decoder buffering time.

With regard to claims 16 and 17, Radha teaches: wherein the pre-decoder buffer and the jitter buffer are implemented as a single buffer unit (column 9, lines 1-11: the examiner views the decoder buffer is a jitter buffer and pre-decoder buffer since it transmits the data to decoder at a rate to avoid underflow considerations and handles jitter from the network.).

4. Claims 9-11, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harumoto and Radha as applied to claims 1/13 above, and further in view of Deshpande (US 7,047,308).

Harumoto and Radha teaches a client sending a buffering parameters to SETUP /PLAY request command (see figure 4 of Harumoto) before the session starts and after the sessions starts (see figure 5 of Harumoto), step 108), but it fails to disclose that the those commands are Real-Time Streaming Protocol messages.

However Despande teaches a system, in which client and server uses RSTP messages to communicate and inform with each others about theirs buffer parameters (column 4, lines 55-67).

Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made to uses any RTSP message to relay buffer parameter to the server from the clients as taught by Despande in the system of Harumoto and Radha in

Art Unit: 2419

order to use a typical streaming media system to transmit packet streams (column 1, lines 40-45).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harumoto and Radha as applied to claim 1 above, and further in view of Schuster et al. (US 6,785,261).

Harumoto and Radha do not disclose a post- decoder buffer for storing media data after decoding. However Schuster teaches a buffer after a decoder in VOIP network (see figure 4, buffer 400 is after decoder, 420: column 13, lines 20-40) for transmitting packet streams in order to reduce cost for long distances costs for multimedia conferencing (column 1, lines 25-45). Thus it would have been obvious to one having ordinary skill in the art at the time invention was made to use the buffer after a decoder as taught by Schuster in system of Harumoto and Radha in order to reduce cost.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS R. SMITH whose telephone number is (571)270-1096. The examiner can normally be reached on Mon-Thurs: 7:30 am - 5:00 p.m. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2419

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 5/21/09

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2419